

In The Matter Of:

*Germaine Bomar v.
City of Pontiac, et al*

*Daniel Main
September 8, 2008*

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[1] transcript.

BY MR. HUGHES:

[2] Q: And how long had you held, had you been with the
[3] Narcotics Services Division before September 11th, 2007?

[4] A: Since September of '03.

[5] Q: When did you get transferred out of — let me ask that
[6] question another way.

[7] At some point you left
[8] Narcotics Services Division to go into Uniform Services
[9] Division, correct?

[10] A: No, I was laid off. I was in narcotics and was laid
[11] off.

[12] Q: Okay.

[13] A: When I got brought back to work the unit had been
[14] disbanded because of manpower shortages.

[15] Q: Is it still disbanded?

[16] A: We have one person assigned to an outside team, but
[17] there's no city team like there had been.

[18] Q: How many, back in September of '07 do you know about how
[19] many officers made up the Narcotics Services Section?

[20] A: We were down to four working officers and one sergeant.

[21] Q: I understand you've lost a lot of officers in the last
[22] year or two?

[23] A: In the last four years, yeah.

[24] Q: Last four years?

[25]

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[1] Q: If you don't have an independent memory of something
[2] that I'm going to ask you and you do need to refer to
[3] the report, please feel free to do so. Okay?

[4] A: Okay.

[5] Q: Actually, it's my understanding that on that date a
[6] search warrant had been previously executed — or signed
[7] by the Court and you were actually executing that search
[8] warrant; is that right?

[9] A: Yes.

[10] Q: Do you recall about how many people were part of that, I
[11] guess for lack of a better word, what I would call a
[12] drug raid team?

[13] A: No, I don't remember the exact amount. I mean, it would
[14] have been the four people in our group plus our boss,
[15] then any number of people from the special response
[16] team.

[17] Q: Special response team is different from the narcotic
[18] section?

[19] A: There's people that serve on both, but, yeah, they're
[20] separate entities.

[21] Q: All right. Now, it's come to my attention that there
[22] are a number of things going on at the house on Neome
[23] that day including but not limited to either you or some
[24] other officers taking phone calls or responding to pages
[25] and things like that from apparently people who wanted

[1] A: Yeah, we lost about a hundred and twenty spots since I
[2] got hired in.

[3] Q: Now, you know, obviously I think Mr. Goldstein has
[4] discussed with you we're here to discuss an incident
[5] that occurred, or may have occurred on September 11th,
[6] 2007. And would it be fair to say that you were
[7] involved in a narcotic enforcement action on that date
[8] at or about 56 Neome Street, N-e-o-m-e, is that how you
[9] pronounce it?

[10] A: Neome, yes.

[11] Q: In Pontiac?

[12] A: Yes.

[13] Q: You were the officer in charge of that case?

[14] A: Yeah, one of them.

[15] Q: Other officer in charge would have been Officer
[16] Janczarek?

MR. GOLDSTEIN:

[17] J-a-n-c-z-a-r-e-k.

[18] A: Yeah, that was my partner.

BY MR. HUGHES:

[19] Q: You've had a chance to look over the incident report; is
[20] that correct?

[21] A: Yes.

[22] Q: And did that help refresh your recollection?

[23] A: Yes.

[24] [1] to come to the house and either make a drug deal or
[2] possibly even purchase or sell a weapon; is that
[3] correct?

[4] A: Yes.

[5] Q: At some point during the raid the report indicates that
[6] a vehicle pulled onto Neome Street, I'm not sure there's
[7] a description of that, and excuse me for just
[8] pontificating here —

[9] MR. GOLDSTEIN: Gray Buick.

[10] Line five of the narrative.

[11] MR. HUGHES: Where are you
[12] seeing that?

[13] MR. GOLDSTEIN: At
[14] approximately 18:50 hours I observed a gray Buick pull
[15] into 56 Neome.

[16] A: That would have been before we actually did the raid.

[17] MR. GOLDSTEIN: Oh, that was
[18] pre-raid surveillance. I just muddied the waters. I
[19] apologize.

BY MR. HUGHES:

[20] Q: I'm looking at page — well, I'm not sure which page it
[21] is, I think it's the last page of the narrative report
[22] where it basically talks about doing a search of the
[23] residence on Neome, an inventory, while this was going
[24] on, like I said, apparently some phone calls were taken

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[1] out of cell phones and/or through pagers, and
[2] communication was made with other people having an
[3] interest; I guess, in that location; is that correct?
[4] A: Yeah, there was phone calls taken.
[5] Q: And several cars apparently had also pulled up at that
[6] location during the time the raid was being conducted;
[7] is that right?
[8] A: Yeah, there were cars that pulled up.
[9] Q: The report indicates that 21:20 hours a blue Chevy
[10] Caprice pulled onto Neome and parked, it says, quote,
[11] parked beyond the vehicle I was seated in, end of
[12] quote. Now, this you talking?
[13] A: Yes.
[14] Q: So there was some discussion with some individuals who
[15] were in that car, and that apparently sometime after
[16] that a second vehicle pulled onto Neome, the report
[17] indicates that, "officers approached the vehicle and the
[18] vehicle backed away and left at a high rate of speed."
[19] Were you present at the time
[20] the second vehicle came into Neome, the one that's being
[21] referred to here in the report?
[22] A: I was in the street with the first car, that Caprice.
[23] Q: So did you — you were at a vantage point where you
[24] could see the second car?
[25] A: Yes.

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[1] Q: Unless I'm missing it, I don't see a description of the
[2] second vehicle, is it in the report somewhere?
[3] A: No, I don't believe so.
[4] Q: Okay. The report goes on to say, "officers attempted to
[5] locate the vehicle and found one similar in the driveway
[6] of 154 North Genesee."
[7] Do you know the officers who
[8] were dispatched to locate that vehicle that wherein a
[9] similar one had been found in the driveway of 154 North
[10] Genesee?
[11] A: I don't think anybody was dispatched to find a vehicle.
[12] Q: When I say dispatched that may be a term of art, and I'm
[13] using it in the sense of as one of the officers in
[14] charge did you order any officers to follow the vehicle
[15] to do a further investigation of what it may have been
[16] doing there on Neome Street?
[17] A: There was officers that attempted to locate the vehicle,
[18] yes.
[19] Q: Did they take off on foot or in the car?
[20] MR. GOLDSTEIN: The officers?
[21] BY MR. HUGHES:
[22] Q: The officers.
[23] A: In a car.
[24] Q: Okay. Was that at the result of anybody's direction?
[25] A: Yeah, mine. I grabbed a couple guys and we went to look

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[1] for the car.
[2] Q: So you were present in trying to locate the car along
[3] with two other officers; is that correct?
[4] A: I don't know if it was exactly two, it may have been
[5] three. I know it was more than me and one other.
[6] Q: Did you go in one car?
[7] A: Yeah.
[8] Q: Just so I'm clear then, it was you and at least two
[9] other officers and maybe some more, you're not sure?
[10] A: It's possible, yeah.
[11] Q: Do you know where you went — strike that.
[12] Were you able to get in the car
[13] in time to maintain visual surveillance of that car?
[14] A: No.
[15] Q: I looked at a map one time of this and now I don't think
[16] it comes real clear in my mind, but was there a, is it
[17] kind of a circular subdivision from where Neome is to
[18] get to —
[19] A: The streets wind around in that neighborhood, yeah.
[20] Q: Okay. As you sit here today do you have any independent
[21] recollection of the color, make, model, year, of that
[22] car?
[23] A: No, not today.
[24] Q: Would there be anything — we have your incident report,
[25] apparently it's not described, would there be any other

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[1] documents that might refresh your recollection existing
[2] anywhere that you typically might write down notes or
[3] something like that?
[4] A: No.
[5] Q: About how long do you think you saw that car before you
[6] saw the vehicle approach, back away, and then leave at a
[7] high rate of speed, are we talking about two seconds,
[8] three seconds, five seconds?
[9] A: I'd say, if I'm guessing, ten to fifteen.
[10] Q: Was this nighttime?
[11] A: Yes.
[12] Q: And were there street lights in the area?
[13] A: Yeah, I think there's one right at the corner of Neome
[14] and Elizabeth Lake Road.
[15] Q: You weren't able to get a license plate number?
[16] A: No.
[17] Q: Were you able to tell how many occupants were in the
[18] car?
[19] A: I could only see a driver.
[20] Q: Could you make a determination whether the driver was
[21] male or female?
[22] A: All I could tell was it was a black male driver.
[23] Q: Could you tell anything about age?
[24] A: No.
[25] Q: Tell me where the car went in terms of direction and

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[1] Q: Were you driving the vehicle that was giving chase?
[2] A: Yes.
[3] Q: Was this a marked vehicle or unmarked vehicle?
[4] A: Unmarked.
[5] Q: I may have asked you before, but do you know who else
[6] was in the vehicle with you?
[7] A: Officer Wheatcroft was in the vehicle with me,
[8] W-h-e-a-t-c-r-o-f-t.
[9] Q: And what was his first name?
[10] A: David.
[11] Q: Can you describe him in terms of height, approximate
[12] height, weight, race?
[13] MR. GOLDSTEIN: Well, before
[14] answering that, it's not necessarily an objection, but
[15] this is the gentleman I identified for you earlier when
[16] I spoke, and since we're dealing with a delicate issue
[17] with what people recall and so forth, I've already
[18] represented to you that I spoke with Mr. Wheatcroft and
[19] he places himself there. Officer Main has now done that
[20] as well.
[21] I would like to see if we can
[22] refrain from getting into descriptions while we still
[23] have some people we aren't sure who was there or not.
[24] But I'm not going to make the objection, and if you wish
[25] to insist on an answer to that question of this witness

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[1] at this time, go ahead. But I'm respectfully requesting
[2] that maybe we do this a little bit differently. But I'm
[3] not going to tell you how to do your case.
[4] BY MR. HUGHES:
[5] Q: Sir, how tall are you and what was your approximate
[6] weight last year in September of 2007?
[7] A: Five ten, five ten and a half, two fifteen.
[8] Q: Is David Wheatcroft taller or shorter than you?
[9] A: He might be a little bit taller than me.
[10] Q: Now, how were you dressed?
[11] A: Black T-shirt said "police" in large black letters,
[12] black tactical vest with police — it was a black vest
[13] with large white block letters police. I would have had
[14] a hat on said police in white letters, tactical gear
[15] around my waist.
[16] Q: Was the letters that said police on your T-shirt as well
[17] as the vest?
[18] A: Yes.
[19] Q: Front or back or both?
[20] A: Both. And the arms.
[21] Q: Arms of?
[22] A: The shoulders.
[23] Q: So how many, if a person was to look at you from the
[24] front, what would they see, assuming normal vision,
[25] assuming no visible obstructions but at nighttime, would

[1] they be able to see in your opinion — or what would
[2] they see, would they see police more than once?
[3] A: Yes.
[4] Q: Looking at you from the front it would be across the
[5] vest?
[6] A: Yes.
[7] Q: And on the shoulders?
[8] A: Yes. Well, I don't know that you'd see that from the
[9] front, you'd see it from the side.
[10] Q: Right. About how big are those letters, do you know?
[11] A: The ones across the front and back are about four inch
[12] block letters.
[13] Q: White letters?
[14] A: White letters on a black. Block letters.
[15] Q: Right. Okay. How was David Wheatcroft dressed, if you
[16] remember?
[17] A: Same, everybody dresses the same.
[18] Q: Who else was in the car with you?
[19] A: I don't remember the names of the people, I know there
[20] was at least one other person, but I don't remember who
[21] it was.
[22] Q: Do you recall if one of the individuals was African
[23] American?
[24] A: Not in the car with me.
[25] Q: So the answer would be no?

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[1] A: Right.
[2] Q: Was there another car that was also involved in trying
[3] to apprehend this vehicle?
[4] A: No, just the one I was driving.
[5] Q: Do you know if any officers attempted to run on foot
[6] from Neome westbound over to North Genesee in attempt
[7] to head that car off?
[8] A: No, nobody went on foot.
[9] Q: Did you have to jump, or anybody with you have to jump a
[10] fence or anything of that nature to get to the Neome
[11] Street address?
[12] A: No.
[13] Q: Did —
[14] A: To get —
[15] Q: Thank you. North Genesee address?
[16] A: No.
[17] Q: Let's talk a little bit about once you got your car
[18] going westbound on Elizabeth Lake and then you turned
[19] south on North Genesee, were there any other vehicles
[20] within the immediate, within your immediate eyesight?
[21] A: I didn't go down Genesee. I went south on Neome to
[22] Genesee, I didn't take Elizabeth Lake to Genesee. I
[23] went to Neome, south on Neome to Genesee thinking that
[24] the vehicle would cross us.
[25] Q: Got it. And when you got to the intersection of Neome

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[1] and North Genesee did you see a vehicle, see the
[2] vehicle that you thought had been at Neome?
[3] A: At that intersection I didn't see any cars at all.
[4] Q: And then did you make a decision to proceed further in
[5] your vehicle?
[6] A: Yeah, I made a right-hand turn onto Genesee northbound.
[7] Q: Okay.
[8] A: Since I didn't see the car I figured it probably put
[9] itself in a driveway somewhere, so we went north on
[10] Genesee.
[11] Q: What happened next?
[12] A: We're north on Genesee, I remember Officer Wheatcroft
[13] saying that he thought he saw a car that looked like the
[14] one that we were looking for, and I went up to Elizabeth
[15] Lake and turned around.
[16] Q: Okay. And after you turned around did you finally end
[17] up at 154 North Genesee?
[18] A: Yes.
[19] Q: And was the vehicle — where was the vehicle that
[20] Officer Wheatcroft had remarked about?
[21] A: In the driveway, the rear of the driveway.
[22] Q: How's the lighting conditions around that part of North
[23] Genesee?
[24] A: Street lights and house lights.
[25] Q: There are street lights and house lights?

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[1] A: Yes.
[2] Q: Do you recall whether there were house lights on at 154?
[3] A: I believe there were.
[4] Q: At that point did you, Officer Wheatcroft, and either
[5] one or two other officers that you were with get out of
[6] your car?
[7] A: Yes.
[8] Q: As the officer in charge are you still more or less
[9] delegating what's going on with that unit?
[10] A: I suppose. I mean, there wasn't — I wasn't giving any
[11] instruction to anybody. I mean, we got out of the car
[12] and started walking up the driveway, I wasn't actually
[13] telling anybody what to do or anything else, but it was
[14] still my investigation.
[15] Q: Were weapons drawn?
[16] A: No. Mine wasn't.
[17] Q: Did you see anybody else with weapons drawn?
[18] A: I don't know. I didn't see anybody.
[19] Q: That's not an unequivocal no, you're just not sure; is
[20] that right?
[21] A: I don't remember seeing anybody with their's out, no.
[22] Q: You may have just answered this, but do you know who was
[23] first going back into the driveway?
[24] A: I was.
[25] Q: Where was Officer Wheatcroft in regards to you?

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[1] A: Right behind me.
[2] Q: Were you able to see the car from say the street?
[3] A: Yes.
[4] Q: And can you describe it, do you remember what that car
[5] looked like at this time?
[6] A: No, I don't.
[7] Q: What happened after — you're walking up the driveway, I
[8] assume you're approaching the car; is that correct?
[9] A: Yes.
[10] Q: What happened next?
[11] A: I saw a person appear on the other side of the car like
[12] they had stood up.
[13] Q: Can you give me a better description?
[14] A: Of what happened, or the person?
[15] Q: Of the person.
[16] A: All I could tell he was a black man.
[17] Q: Could you approximate the age of that person?
[18] A: No, not when I saw him there, no.
[19] Q: How far away were you from him when you first saw him?
[20] A: I was about a third of the way up the driveway, if I was
[21] going to guess —
[22] Q: Okay.
[23] A: — fifteen yards.
[24] Q: Okay. Was that person making any movement towards you,
[25] away from you, just standing there?

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[1] A: Not initially, no, initially he just stood there.
[2] Q: After you saw that person standing there what did you
[3] do, if anything?
[4] A: Just told him come here. I said, hey, man, come here.
[5] Q: Okay.
[6] A: Said it a couple times.
[7] Q: How did that individual respond?
[8] A: He started looking around, you know, at that point based
[9] on what he was doing it appeared to me he was about to
[10] take off running. I told him not to run, I told him
[11] come here again, I said don't run. And when I said that
[12] he ran from behind the car toward the back of the house.
[13] Q: Did you start chasing him at that time?
[14] A: Yes.
[15] Q: How about Wheatcroft?
[16] A: I would assume. I mean, he was behind me, so. He
[17] didn't come right down the driveway. I told him he's
[18] going toward the back of the house, watch him coming
[19] around the other side of the house. I think what
[20] Wheatcroft did is go around the other side of the house.
[21] Q: Once you got to the back of the house did you see this
[22] individual again?
[23] A: Yes.
[24] Q: What was he doing at that time?
[25] A: Reaching out to open the back door.

[1] Q: Could you see him any better at this point as to age?
 [2] A: No, not really. I mean, I was closer, but it wasn't, I
 [3] don't think it was something I was taking note of.
 [4] Q: Do you recall if there was like a, this is September,
 [5] was it a screen door that he was trying to get into, or
 [6] a solid, you know, exterior door?
 [7] A: I don't remember. I don't remember how the door was lit
 [8] up.
 [9] Q: When you saw him you indicated he was I guess reaching
 [10] out to go in through the back door; is that correct?
 [11] A: Yes.
 [12] Q: Did he have the door open?
 [13] A: Yeah, it was just starting to come open.
 [14] Q: Do you know if there was a back light on there?
 [15] A: Yeah, I seem to recall there was a back light on above
 [16] the door.
 [17] Q: What did you do after you saw this transpire?
 [18] A: I continued, it was just another few steps until I got
 [19] to the back door.
 [20] Q: And?
 [21] A: As he entered the house I followed, he got maybe two
 [22] steps inside the house, I was able to grab onto his
 [23] shirt, keep him from going into the house any farther.
 [24] Q: Now, you said he was a couple of steps inside the house,
 [25] you grabbed his T-shirt to stop him from going in any

[1] further, what happened at that point, did you —
 [2] A: I began trying to pull him outside, pull him back
 [3] outside in the backyard. I remember saying something,
 [4] you know, trying to let the other guys know that he'd
 [5] gone in the house.
 [6] Q: Were you able to pull him out of the house?
 [7] A: Yes.
 [8] Q: And to the best of your recollection what happened when
 [9] you were pulling him out of the house, was there any
 [10] resistance on his part?
 [11] A: Yeah, he wasn't coming with me on his own.
 [12] Q: Now, after you pull him out of the house, what happened
 [13] next; you indicated there was some resistance from this
 [14] individual, what did you do in response to that?
 [15] A: Just kept trying to pull him out of the house, just
 [16] pulling him by the arm, pulling by the shirt, trying to
 [17] get him outside, just trying to get him back outside.
 [18] Q: Was he saying anything at the time?
 [19] A: No.
 [20] Q: Did you see anybody else, from your vantage point inside
 [21] the house, did you see anybody else inside the house?
 [22] A: There was a female.
 [23] Q: Okay. White female, black female?
 [24] A: Black female.
 [25] Q: Approximate age, if you know?

[1] A: Approximate I would say forties.
 [2] Q: Does that back door open up into like a kitchen area?
 [3] A: I think it goes right in the kitchen, then I think it's
 [4] just a straight hallway through the rest of the house.
 [5] I don't know because I didn't make it in the house but
 [6] for a step or two, but that seems to be what I remember.
 [7] Q: And did you say anything to her?
 [8] A: No.
 [9] Q: Did she say anything to you?
 [10] A: No, not that I remember, not initially.
 [11] Q: Right. Yes. Through this process of pulling this
 [12] individual out of the door, nothing initially was said?
 [13] A: Not that I remember, no.
 [14] Q: So you were successful in pulling him out of the door
 [15] back into the backyard?
 [16] A: Yeah, eventually.
 [17] Q: Okay. And then would it be a situation where he was
 [18] taken down to the ground?
 [19] A: Yes.
 [20] Q: And were you saying anything to him at that point, if
 [21] you recall?
 [22] A: I wasn't because once he was outside I didn't have him
 [23] anymore.
 [24] Q: Okay. Once you got him outside what happened regarding
 [25] custody of that individual?

[1] A: Well, if I may go into more of a narrative, as I was in
 [2] the house with him trying to get him outside I saw the
 [3] female come down the hallway. As she was coming down
 [4] the hallway she was swinging her arms, you know,
 [5] hitting. I thought she was hitting this kid because
 [6] he'd been in her house and she didn't know who he was.
 [7] Eventually I realized she was
 [8] trying to hit me when she started hitting me. So as the
 [9] other officer or two officers, however many there were,
 [10] came to the back door, I gave the black male to them,
 [11] and then pulled her out of the house as well. So I
 [12] didn't actually pull the black male out of the house, I
 [13] passed him off.
 [14] Q: Do you know who actually was taking control of the black
 [15] male?
 [16] A: No, I just saw there were officers there.
 [17] Q: And —
 [18] MR. GOLDSTEIN: Was Wheatcroft
 [19] one of them, or you're not sure?
 [20] A: I remember him being outside afterwards, but I don't
 [21] know if that's the person I gave him to.
 [22] MR. GOLDSTEIN: Sorry, Paul.
 [23] MR. HUGHES: That's okay.
 [24] BY MR. HUGHES:
 [25] Q: Now, you've had an opportunity to see this male, maybe

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[1] not under optimal conditions, but close up at this
[2] point, right?
[3] A: Yeah.
[4] Q: Were you able to make a determination at that time as to
[5] how old he was?
[6] A: No, not really.
[7] Q: You knew he was a teenager?
[8] A: I don't know how old he was at that point, I mean, he
[9] had his back to me, so.
[10] Q: So he's handed off basically to one of the other
[11] officers that's outside, and you're faced with a woman
[12] coming at you through the kitchen or through the back
[13] door swinging her arms at you; is that correct?
[14] A: Yeah, eventually I realized that's what she was doing.
[15] Q: Was she saying anything at that time?
[16] A: I don't remember her saying anything other than I think
[17] she was saying get out of my house.
[18] Q: Did you tell her anything at that time?
[19] A: I don't remember saying anything to her.
[20] Q: So far there really hasn't been any, if I understand
[21] your testimony right, other than when you first saw the
[22] black male in the driveway and you said, hey, come here,
[23] and you told him that a couple times and he didn't
[24] respond, except for those verbal remarks by you this was
[25] really the only thing that was spoken by anyone until

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[1] she starts coming out of the house and says get out of
[2] my house, or words to that effect, correct?
[3] A: As far as I remember, yeah. I mean, you know, I
[4] remember telling the kid not to run initially, but in
[5] addition to that, no, I don't remember specifically
[6] anything else that was said.
[7] Q: What did you do after she came at you and was swinging
[8] her arms, what happened next?
[9] A: I pulled her outside into the backyard.
[10] Q: So you were still inside the house at the time that you
[11] engaged her or she engaged you, I guess?
[12] A: Yeah, we were just inside the back door.
[13] Q: You pulled her outside in the backyard, and then what
[14] happened next?
[15] A: I placed handcuffs on her.
[16] Q: Would you say she was combative?
[17] A: Yeah, she was.
[18] Q: Were you injured?
[19] A: No.
[20] Q: Did you have any difficulty placing handcuffs on her? I
[21] suppose it's not easy under any circumstance, but
[22] anything out of the unusual?
[23] A: No, once we were outside, I mean, she still fought a
[24] little bit but it wasn't hard to get them on her.
[25] Q: Did you have assistance from any other officer?

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[1] A: No, it was just me.
[2] Q: At any time during the altercation that began with you
[3] pulling her outside of the house into the backyard —
[4] strike that. Let me start over.
[5] When you got her out in the
[6] backyard you were able to get her down on the ground?
[7] A: Yes.
[8] Q: Would she be then face down on the ground?
[9] A: Yes.
[10] Q: At that point you were able to put handcuffs on her?
[11] A: Yes.
[12] Q: From the point where you first made contact with her
[13] until you handcuffed her, did you feel it necessary to
[14] use any other force on her other than regular force in
[15] order to get the handcuffs on?
[16] A: I don't know what you mean by any other or regular
[17] force.
[18] Q: Fair question. Let me just ask you, did there ever come
[19] a time where you struck her about the head and the face?
[20] A: No.
[21] Q: Do you recall striking her anywhere about her body from
[22] the time that you pulled her out of the back door until
[23] the time that she was handcuffed?
[24] A: No.
[25] Q: After she was handcuffed what happened next relative to

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[1] this individual?
[2] A: I remember sitting, you know, having them sit, they both
[3] sat up, we had them both sit up.
[4] Q: Was the other individual handcuffed too?
[5] A: Yes.
[6] Q: Where were they sitting, on the grass?
[7] A: Yeah, just right outside the back door. I don't know if
[8] that's a porch there or the grass goes right to the
[9] door, but it was just outside the back door.
[10] Q: Now, was she saying anything to you, I already got she
[11] told you basically get out of my house or words to that
[12] effect, was she saying anything to you while you were I
[13] guess subduing her and putting handcuffs on her?
[14] A: I mean, she was — I don't recall what it was she was
[15] saying. There were, you know, she was vocalizing
[16] something, but I couldn't tell you what it was.
[17] Q: Was she screaming or yelling or just —
[18] A: Yeah, was probably a little bit higher than just the way
[19] we're talking right now.
[20] Q: A little bit higher than conversational tone?
[21] A: Yeah.
[22] Q: Do you recall what you remarked to her, if anything?
[23] A: I don't remember saying anything back to her.
[24] Q: Were you yelling at her?
[25] A: The only thing I was telling her is to put her hands

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[1] behind her back.
[2] Q: So there comes a time then that she is handcuffed with
[3] handcuffs behind her back?
[4] A: Yes.
[5] Q: And the other individual was handcuffed behind his back?
[6] A: Yes.
[7] Q: They were sitting either on the ground or a porch in the
[8] backyard?
[9] A: Yeah, right outside the door.
[10] Q: Do you recall at this point were there any other
[11] officers around besides the initial crew that got there,
[12] you, Wheatcroft, and one or two other people?
[13] A: No, there was nobody else.
[14] Q: What happened after that?
[15] A: Made the realization that it probably wasn't the car we
[16] were looking for, and therefore probably not the person
[17] that we took for driving the car, and I called my boss
[18] over just to let him know what was going on.
[19] Q: Who was your boss?
[20] A: Sergeant Cosby.
[21] Q: Was Cosby over at the other place?
[22] A: Yes.
[23] Q: And then how did you come to the determination that
[24] probably this was not the right car?
[25] A: Once I was able to get a clear, you know, look at the

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[1] black male's face, it didn't look like the one that I'd
[2] seen in the car that we'd been looking for.
[3] Q: Anything else lead you to the conclusion that this is
[4] probably not the right car?
[5] A: No, just that.
[6] Q: Did you see whether the car had been recently driven by,
[7] you know, putting your hand on the hood, see if it was
[8] warm or something like that?
[9] A: Yeah, I recall someone checking it. I don't know if it
[10] was me or somebody else, but it didn't appear that it
[11] had been driven recently.
[12] Q: Did not appear?
[13] A: It didn't seem like it. It's kind of hard to tell by
[14] doing that sometimes.
[15] Q: Yeah. At some point other police officers arrived on
[16] the scene?
[17] A: I know Sergeant Cosby did because I called him over.
[18] Q: And what did he do, if anything, while he was there?
[19] A: I met Sergeant Cosby down in the driveway, told him what
[20] had happened, then he went and talked to the female, and
[21] I wasn't around for his conversation with her.
[22] Q: Were you aware that there was a 911 call made by
[23] occupants of the house relative to your presence being
[24] there?
[25] MR. GOLDSTEIN: At the time?

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[1] Are you asking if he knows that now?
[2] BY MR. HUGHES:
[3] Q: Subsequently.
[4] A: Subsequently I've been made aware that there was a phone
[5] call made to the police. I didn't know where it
[6] originated from or who made it.
[7] Q: Right. While you were there did you see any officers
[8] respond to that 911 call?
[9] A: I don't remember seeing any, no.
[10] Q: You don't remember seeing any?
[11] A: No.
[12] Q: How many cars do you think were — while this was going
[13] on, I guess after it had been determined that this was
[14] probably not the right car, not the right house, not the
[15] right people, do you remember how many police cars would
[16] have been at the North Genesee address?
[17] A: We didn't have any police cars, all I had was my
[18] unmarked car.
[19] Q: Your unmarked car?
[20] A: Yes.
[21] Q: And Sergeant Cosby, what would he be driving?
[22] A: He may have just walked over on foot, I don't remember
[23] exactly, or he may have got a ride from somebody, but it
[24] wouldn't have been a police car, not a marked police
[25] car.

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[1] Q: If 911 had been called, officers had responded as a
[2] result of a 911 call, would they have come in a marked
[3] car generally?
[4] A: Generally, yeah.
[5] Q: Do you recall any marked cars being out there?
[6] A: No. But like I said, once I told Sergeant Cosby what
[7] was going on, I was pretty much — I went back to the
[8] house then.
[9] MR. GOLDSTEIN: Went back to
[10] Neome?
[11] A: Back to 56 Neome where we had originally started.
[12] BY MR. HUGHES:
[13] Q: Okay. So you went back to Neome and Sergeant Cosby was
[14] still there?
[15] A: Yes.
[16] Q: Was he with anybody else?
[17] A: I don't know if he came over with anybody else or not.
[18] Somebody might have brought him over, but I don't think
[19] he went up with anybody else.
[20] Q: Now, was there — there was no fence or anything that
[21] you had to jump over, climb over, anything to get into
[22] the yard?
[23] A: Not from the front, no.
[24] Q: Was there a fence in back?
[25] A: I don't know, I was never back there. I mean, I was